IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6706 OF 2005

Altaf Fazaluddin Kazi . .. Petitioner.

vs.

Aftab Altaf Kazi .. Respondents.

Mr. Archana Khan for petitioner.

Mr. Amarjit Kaur for respondent.

CORAM : S.U. KAMDAR, J.

DATE : 28th November, 2005.

P.C.:

. The learned counsel for the petitioner states that the petitioner has already adopted the appropriate proceedings for setting aside the decree which has been passed by this Court on the original side of its jurisdiction. In view of the fact that the decree is passed by the High Court, the Family Court has no jurisdiction to set aside such a decree and, therefore, the notice of motion has been taken out for the same. The learned counsel for the petitioner states that in view of the said notice of motion having been taken out, the petitioner is not proceeding with the present proceedings by which the

application for condonation of delay is rejected. It goes without saying that the application which has been initiated by the petitioner for setting aside the decree will be heard on its own merits and without going into the impugned order dated 29.9.2005 passed by the Family Court, Bandra. Petition is disposed of accordingly. No order as to costs.